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9
10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 STATE OF NEVADA ex rel. BOARD OF
13 REGENTS OF THE NEVADA SYSTEM
14 OF HIGHER EDUCATION, ON BEHALF
OF THE UNIVERSITY OF NEVADA, LAS
VEGAS,

15 Plaintiff,

16 vs.

17 WHOIS PRIVACY PROTECTION
SERVICES, INC., A NEVADA
18 CORPORATION; DOES I-X, inclusive,

19 Defendants.

CASE NO. 2:07-CV-00775-KJD-RJJ

**ORDER ON MOTION FOR DEFAULT
JUDGMENT**

20
21 Plaintiff, State of Nevada ex rel. Board of Regents of the Nevada System of Higher
22 Education, on behalf of the University of Nevada, Las Vegas ("UNLV" or the "University"). by
23 and through undersigned counsel, having filed a Motion for Entry of Default Judgment against
24 Defendant, Whois Privacy Protection Services, Inc., pursuant to Rule 55 of the Federal Rules of
25 Civil Procedure; the Defendant having failed to respond to, or answer, UNLV's Complaint
26 previously served upon Defendant; the Clerk of the Court having entered Default against
27 Defendant on October 10, 2007; this Court having now given due consideration to UNLV's
28 Motion for such judgment as well as papers, pleadings, and exhibits offered in support thereof:

1 and the Court being further fully advised in the matter and there having been no appearance
2 made by Defendant, it is therefore.

3 ORDERED, ADJUDGED and DECREED that Judgment be entered favor of Plaintiff
4 State of Nevada ex rel. Board of Regents of the Nevada System of Higher Education, on behalf
5 of the University of Nevada, Las Vegas, and against Defendant. Whois Privacy Protection
6 Services, Inc., on all counts of UNLV's Complaint; and, it is further ordered and adjudged that
7 said Judgment shall include the following specific findings of fact and award of specific relief:

8 (a) UNLV is the owner of certain trademarks and variations thereof used in relation to
9 educational, athletic and related services, namely providing master's and college and master's
10 degree programs, college loans, college textbooks, tickets to sporting events and employment
11 opportunities, as identified in the Complaint;

12 (b) UNLV's marks are famous;

13 (c) Defendant registered and used the infringing domain name <unlv.com> with the
14 bad faith intent to profit from its use of UNLV's marks;

15 (d) Defendant provided Internet services at the "Sponsored Links" website, which
16 offers college loans, online college degree programs, online master's degree programs, college
17 textbooks, tickets to sporting events and employment opportunities, which describes services
18 similar to those offered by UNLV's trademarks which was accessible through Defendant's
19 infringing domain name at <unlv.com>.

20 (e) UNLV and Defendant are competitors and the respective services offered by each
21 are similar;

22 (f) Defendant's use of the term UNLV in connection with its services is likely to cause
23 confusion as to the source and original of Defendant's services;

24 (g) Defendant's use of the term UNLV in connection with its services has and is likely
25 to continue to cause dilution of UNLV's marks.

26 (h) Should Defendant's use of the term UNLV continue, the University will continue to
27 suffer irreparable injury to its good will and reputation which was established through use of the
28 UNLV marks and for which an award of damages would be inadequate.

1 (i) Should Defendant's use of the term UNLV continue, the University will continue to
2 suffer irreparable injury as the UNLV marks will lose their capacity to identify its good and
3 services; i.e., they will be diluted, for which an award of damages would be inadequate;

4 (j) Defendant acted willfully in its infringement and dilution of the UNLV marks; and

5 (k) Defendant is liable for its infringement, dilution, unfair competition and
6 cybersquatting.

7 THEREFORE, IT IS HEREBY ORDERED that the Defendant, Whois Privacy Protection
8 Services, Inc., its respective officers, agents, servants, employees, an/or all persons acting in
9 concert or participation with it, are permanently enjoined (1) from using UNLV's trademarks or
10 confusingly similar variations thereof, alone or in combination with any other letters, words,
11 letter strings, phrases or designs, in commerce or in connection with any business or for any
12 other purpose (including, but not limited to, on web sites and in domain names); and (2) from
13 registering, owning, leasing, selling or trafficking in any domain name containing UNLV's
14 trademarks or confusingly similar variations thereof, alone or in combination with any other
15 letters, words phrases or designs:

16 IT IS FURTHER ORDERED that the current registrar of the <unlv.com> domain name,
17 Enom, Inc., shall immediately unlock and permanently transfer the <unlv.com> domain name to
18 UNLV;

19 IT IS FURTHER ORDERED that Defendant is permanently enjoined from advertising
20 the services, including, but not limited to, offering college loans, online college degree programs,
21 college textbooks, tickets to sporting events and employment opportunities which utilize the web
22 site or domain name with any variation or letter string containing UNLV marks.

23 IT IS FURTHER ORDERED that Defendant pay UNLV \$1,000 in nominal damages for
24 corrective advertising;

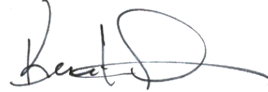
25 IT IS FURTHER ORDERED that Defendant pay UNLV statutory damages of \$100,000;

26 IT IS FURTHER ORDERED that Defendant pay UNLV's attorneys' fees and costs in
27 the amount of \$3,650.21;

28

1 IT IS FURTHER ORDERED that UNLV's cash deposit of One Hundred Dollars
2 (\$100.00) be released from the Registry Account of this Court and returned to Board of Regents
3 of the Nevada System of Higher Education, on behalf of the University of Nevada, Las Vegas.

4 IT IS FURTHER ORDERED that jurisdiction of this case shall be retained by this Court
5 for the purpose of enforcement of this Judgment.



UNITED STATES DISTRICT JUDGE

DATED: 10/17/07

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10 Submitted by:

11 /s/ ELDA M. LUNA

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